



Customer No. 27683

Patent No. 27683
PATENT MAINTENANCE
DIVISION

2005 OCT -7 PM 4:14

U.S. PATENT & TRADEMARK
OFFICE

Hideja Tajima

Group Art Unit: ;1743

Serial No.: 09/909,186

Examiner: Cross, Latoya I.

Filed: July 19, 2001

Confirmation No.: 9114

For: Device for Containing, Reacting and
Measuring, and Method of Containing,
Reacting and Measuring

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on

Sept. 29, 2005

Signature of person mailing paper and fee

Ellen Lovelace

Commissioner for Patents

Attn: Refund Section, Accounting Division,

Office of Finance

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

Applicant hereby requests a refund of fees paid for a Request for Continued Examination and three months extension of time filed in the above-identified application. The facts supporting Applicant's request are as follows:

On December 14, 2004, a Final Office Action was mailed in the above-identified application.

On February 14, 2005, which was 2 months after the mailing date of the Final Office Action, Applicant filed an Amendment after Final in response to the Final Office Action.

By June 14, 2005, which was six months after the mailing date of the Final Office Action, Applicant had not received an Office communication responding to Applicant's Amendment after Final filed February 14, 2005.

On June 14, 2005, in order to maintain the pendency of the application, Applicant filed a Request for Continued Examination and a Request for Three Months Extension of Time. Applicant submitted check #1319142 in the amount of \$905 for the fees for continued examination and three months extension of time.

On June 23, 2005, an Office Action responding to Applicant's Amendment after Final filed February 14, 2005 was mailed. The Office Action mailed June 23, 2005 made no mention of Applicant's Request for Continued Examination filed June 14, 2005.

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On September 9, 2005, a second Office Action was mailed. This second Office Action was identical to the Office Action that had been mailed June 23, 2005.

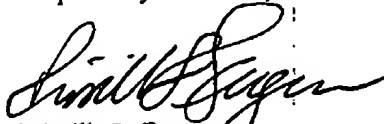
Because of confusion created by the duplicate Office Actions received June 23 and September 9, Applicant's representative contacted the Examiner's supervisor, Ms. Jill Warden. Supervisor Warden and Applicant's representative spoke about this matter on September 14, 2005. Enclosed as Exhibit A is an Examiner-Initiated Interview Summary mailed September 14, 2005, which summarizes the conversation between Supervisor Warden and Applicant's representative as follows:

Applicant's representative called to indicate that there were some confusing items in the file. With no response from an after/final filed in February, applicant filed a request for continued examination in June. On June 23, 2005, an Office action was mailed, followed by a second Office action on September 9, 2005, which was identical to the first. Examiner indicated that an interview summary from April, which re-opened prosecution on the application was missing from the image file wrapper. No RCE was necessary and the Office action mailed June 23 was the action which re-opened prosecution on the file. Supervisor Warden indicated that the duplicate Office action mailed September 9, 2005 would be withdrawn and the RCE would be removed from the file. Applicants need to respond to the Office Action filed June 23, 2005 and ***may request refund of the RCE fee charged them, as no such RCE was needed.*** A copy of the April 18, 2005 Interview Summary is attached hereto and will be entered into the image file wrapper. [emphasis added.]

As noted in the Examiner-Initiated Interview Summary mailed September 14, 2005, Supervisor Warden is in agreement that the Request for Continued Examination filed by the Applicant on June 14, 2005 was not necessary, and that Applicant may request a refund of the fees paid in connection therewith.

Applicant has also enclosed at Exhibit B a copy of the cancelled check #1319142, which evidences payment for fees due for the Request for Continued Examination and three months extension of time. In view of the enclosed supporting documents enclosed, Applicant respectfully requests that a refund of \$905 be credited to Deposit Account No. 08-1394.

Respectfully submitted,

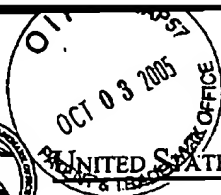

Priscilla L. Ferguson
Registration No. 42,531

Dated: Sept. 29, 2005

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: (214) 651-5662
Facsimile: (214) 200-0853

D-1377914

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/909,186 | 07/19/2001 | Hideji Tajima | 10287.46 | 9114 |
| 27683 | 7590 | 09/14/2005 | EXAMINER | |
| HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202 | | | CROSS, LATOYA I | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1743 | |

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETING COMPLETE
DATE: 9-19-05
BY: msd/ijc

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SEP 19 2005

HAYNES and BOONE



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Examiner-Initiated Interview Summary

Application No.

09/909,186

Applicant(s)

TAJIMA, HIDEJI

Examiner

Jill A. Warden

Art Unit

1743

All Participants:

(1) Jill A. Warden.

(2) Randall Brown.

Status of Application: _____

(3) _____

(4) _____

Date of Interview: 14 September 2005

Time: _____

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

None

Claims discussed:

None

Prior art documents discussed:

None

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's representative called to indicate that there were some confusing items in the file. With no response from an after final filed in February, applicant's filed a request for continued examination in June. On June 23, 2005, an Office action was mailed, followed by a second Office action on September 9, 2005, which was identical to the first. Examiner indicated that an interview summary from April, which re-opened prosecution on the application was missing from the image file wrapper. No RCE was necessary and the Office action mailed June 23 was the action which re-opened prosecution on the file. Supervisor Warden indicated that the duplicate Office action mailed September 9, 2005 would be withdrawn and the RCE would be removed from the file. Applicants need to respond to the Office action filed June 23, 2005 and may request refund of the RCE fee charged them, as no such RCE was needed. A copy of the April 18, 2005 Interview Summary is attached hereto and will be entered into the image file wrapper..

Examiner-Initiated Interview Summary

Application No.

09/909,186

Applicant(s)

TAJIMA, HIDEJI

Examiner

LaToya I. Cross

Art Unit

1743

All Participants:(1) LaToya I. Cross.(2) Warren Kice.Date of Interview: 18 April 2005

Status of Application: _____

(3) _____

(4) _____

Time: _____

Type of Interview:☐ Telephonic☐ Video Conference☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

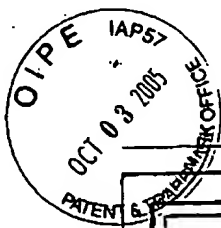
Prior art documents discussed:

Part II.**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:***Attorney Kice was notified that a non-final rejection was being prepared in response to the After Final amendment dated 2/14/05.***Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)



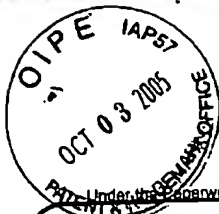
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|---|-------------------------------------|--|----------------|---|
| haynesboone Haynes and Boone, LLP 901 Main Street Suite 3100 Dallas, Texas 75202-3789 Telephone (214) 651.5000 Fax (214) 651.5040 | | Bank of America, N.A. Wichita Falls, TX | 1319142 | D |
| DATE 06/14/2005 | | VOID 90 DAYS AFTER DATE | | |
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| TO THE ORDER OF | Commissioner of Patents | | | |
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| | | (TWO MANUAL SIGNATURES REQUIRED FOR VOID PROTECTION) | | |
| THIS CHECK CONTAINS A VOID FEATURE, MICRO PRINTED SIGNATURE LINE AND AN ARTIFICIAL WATERMARK ON BACK. HOLD UNDER BRIGHT LIGHT TO VERIFY AUTHENTICITY. | | | | |
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Total Number of Pages in This Submission

8

Application Number 09/909,186

Filing Date July 19, 2001

First Named Inventor Hideja Tajima

Art Unit 1743

Examiner Name Cross, Latoya I.

Attorney Docket Number 10287.46

2005 OCT -7 PM 4:14

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ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
- ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☒ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
Exhibits A and B, and return postcard.

- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
 - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Haynes and Boone, L.L.P.

Signature *Priscilla L. Ferguson*

Printed name Priscilla L. Ferguson

Date Sept. 29, 2005

Reg. No. 42,531

CERTIFICATE OF TRANSMISSION/MAILING

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Signature *Ellen Lovelace*

Typed or printed name Ellen Lovelace

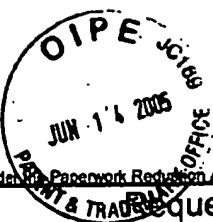
Date 9/29/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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D-1378937.1

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KCE
 JFW

Request for Continued Examination (RCE) Transmittal

Address to:
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 P.O. Box 1450
 Alexandria, VA 22313-1450

| | |
|------------------------|----------------------|
| Application Number | 09/909,186 |
| Filing Date | July 19, 2001 |
| First Named Inventor | Hideji Tajima et al. |
| Art Unit | 1743 |
| Examiner Name | Cross, Latoya I. |
| Attorney Docket Number | 10287.46 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked. Amendment in Response to Final Office Action mailed December 14, 2004 filed February 14, 2005.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 08-1394. I have enclosed a duplicate copy of this sheet.

a. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 905.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED | | | |
|---|---------------|------------------|---------------|
| Signature | | Date | June 14, 2005 |
| Name (Print/Type) | Alan N. Herda | Registration No. | 50,426 |

| CERTIFICATE OF MAILING OR TRANSMISSION | |
|---|---------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. EXPRESS MAIL LABEL NO. EV 269674827 US | |
| Signature | |
| Name (Print/Type) | SANDRA RUBIN |
| Date | June 14, 2005 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Adjustment date: 11/18/2005 SDIRETA1
 06/17/2005 WABDELRI 00000055 09909186
 01 FC:2801 -395.00 DP

Repln. Ref: 11/18/2005 SDIRETA1 0008404100
 DA#081394 Name/Number:09909186
 FC: 9204 \$905.00 CR

06/17/2005 WABDELRI 00000055 09909186 395.00 DP
 01 FC:2801



PTO/SB/22 (12-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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| | | | |
|---|------------|---|-----------|
| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).) | | Docket Number (Optional) 10287.46 | |
| Application Number 09/909,186 | | Filed July 19, 2001 | |
| For Device for Containing, Reacting and Measuring, and Method of Containing, Reacting and Measuring | | | |
| Art Unit 1743 | | Examiner Cross, Latoya I. | |
| This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): | | | |
| | Fee | Small Entity Fee | |
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$120 | \$60 | \$ _____ |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$450 | \$225 | \$ _____ |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1020 | \$510 | \$ 510.00 |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$1590 | \$795 | \$ _____ |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$2160 | \$1080 | \$ _____ |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | | |
| <input checked="" type="checkbox"/> A check in the amount of the fee is enclosed. | | | |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. | | | |
| <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. | | | |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 08-1394. I have enclosed a duplicate copy of this sheet. | | | |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | |
| I am the <input type="checkbox"/> applicant/inventor. | | | |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). | | | |
| <input type="checkbox"/> attorney or agent of record. Registration Number _____ | | | |
| <input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 50,426 | | | |
|  Signature | | June 14, 2005 Date | |
| Alan N. Herda Typed or printed name | | 214-651-5924 Telephone Number | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. | | | |
| <input checked="" type="checkbox"/> Total of 1 forms are submitted. | | | |

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 11/18/2005 SDIRETA1
06/17/2005 09:52:10 0000055 09909186
02 FC:2253

-510.00 OP

06/17/2005 WADDELRI 0000055 09909186 510.00 OP
02 FC:2253